

HOUSE BILL 90

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6, Part 1, to enact the "Equal and Fair Parenting Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known, and may be cited, as the "Equal and Fair Parenting Act".

SECTION 2. Tennessee Code Annotated, Section 36-6-101(a)(2)(A)(i), is amended by deleting the current language in its entirety and by substituting instead the following:

(i) Except as provided in this subdivision (a)(2)(A), the court shall have the widest discretion to order a custody arrangement that is in the best interest of the child. Unless the court finds by a preponderance of evidence to the contrary, or where the parents have agreed to a different custody arrangement, at a hearing for the purpose of determining the custody of the minor child, there shall be a rebuttable presumption that equally shared parenting is in the best interest of the child. For the purpose of assisting the court in making a determination whether an award of equitably-shared parenting is inappropriate, the court may direct that an investigation be conducted. The burden of proof necessary to modify an order of shared parenting at a subsequent proceeding shall be by a preponderance of the evidence.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.